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I. Introduction

Whatever the basic urge that convinces men to embrace violent means to the ultimate end of social justice, the phenomenon of violence and revolution presents the social scientist with a maze of perplexing questions. Many of these questions, it is now becoming clear, relate to the international implications of what would seem to be largely domestic events. How does the turmoil that can drive a country into bloody civil combat affect the patterns of relations in the international system? What influences does the international system exert upon the domestic struggle?[1]

These and other questions regarding the international aspects of internal violence pose problems that cannot be ignored. In examining these problems in this article, the frame of reference will be the experience of Latin America, an area marked by constant social unrest and often desperate attempts to sweep away the structures of injustice. The method employed in the analysis is twofold. First, a theory of "internationalized" internal violence will be developed in order to untangle the dynamics of such events. Second, in turning to a more policy-oriented approach, an attempt will be made to determine the feasible responses of international organization to the problems presented by such violence.

II. The Phenomenon of Internal Violence

A. The Point of View of International Relations

In the simplest terms, international relations is concerned with those types of violent acts which take place within the boundaries of one nation, but become "internationalized." That is, although they are domestic acts, they fall properly into the field of international relations.[2]

The relative newness of this area of study has made it difficult for scholars to define just what it is with which they are concerned. The resulting confusion is reflected in the multiplicity of names applied to the phenomenon. Some authors speak of internal war, while others speak of internal violence, civil strife, or the

* Graduate, Latin American School of Political Science, Santiago, Chile; A.B., University of Notre Dame (1967).

1 It should be made clear that the term "system" in this paper is used as a convenient way to refer to the set of interactions between nations that form the basic subject matter of international relations. Thus, its use is not directly related to the excellent work available in "systems analysis" as applied to international relations. For an example of this approach, *see* M. KAPLAN, SYSTEM AND PROCESS IN INTERNATIONAL POLITICS (1957).

2 The international effects of internal violence constitute an area that, after long years of neglect by the social sciences, is finally receiving a degree of attention. Since the publication in 1964 of the pioneering works edited by Harry Eckstein (*cf.* INTERNAL WAR [1964]) and James Rosenau (*cf.* INTERNATIONAL ASPECTS OF CIVIL STRIFE [1964]), the literature has grown steadily.

revolutionary situation. Some studies have directed their attention at revolution, while others have focused on the aspects of counterinsurgency.

Even though general agreement cannot be found in regard to a definition of "internal war" (a problem that will be discussed below), such violence is obviously a major characteristic of contemporary international politics. One author writes that, of a total of eighty-four situations of conflict in the international system since 1936, fifty-six of these conflicts have taken the nature, not of fighting *between* states, but rather of fighting *within* the boundaries of one single state.[3] Recent conflicts in such regions as Greece, China, Korea, Algeria, Laos, Iraq, Cuba, the Congo, the Dominican Republic, and Nigeria are just some of the examples that come readily to mind. A further characteristic of such violence is that it tends to take place predominantly in developing countries. One research team reported that, of fifty-four cases of violence studied in the last twenty-five years, ninety-five per cent were located in the underdeveloped world.[4]

Granting that internal wars are an important element of contemporary international politics, how can the fact that political scientists have dedicated so little time to their study be explained? Partially, the relative neglect has developed because the subject itself is so complex that it has defeated most attempts at theoretical approaches. Thus, on the one hand, empirical work has been stunted and, on the other, such empirical work as already exists has not been properly evaluated. A further problem consists in that it is obviously difficult, if not impossible, to apply such recognized social science techniques as social-survey analysis, experimentation in controlled situations, and "field-work" to the internal war. Despite all the difficulties the subject presents to the social scientist, it must become more and more the object of intense research. The very magnitude of the problem of internal violence and war in the international system and, especially, in Latin America, demands this increase in man's knowledge.[5]

Three steps must initially be taken in analyzing internal wars. First, the subject of the study must be defined; second, the types or phases of internal wars must be distinguished; and, third, background reasons which account for the "internationalization" of such wars must be disclosed.

B. A Preliminary Definition

The first task is to define the field of interest. Which types of internal violence "fit" within that field, and which ones are to be excluded? The challenge

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3 *Cf.* Wood, *Conflict in the Twentieth Century*, 48 ADELPHI PAPERS (1968).

4 *Cf.* L. BLOOMFIELD & A. LEISS, CONTROLLING SMALL WARS: A STRATEGY FOR THE 1970's at 3-4 (1969).

The authors also make reference to a remarkable speech in 1966 by then U.S. Secretary of Defense Robert S. McNamara entitled "Where the Poverty Is, Is Where the Insurgency Is." McNamara pointed out that, since 1958, 87% of the world's "very poor" countries and 69% of its "poor countries" had suffered significant cases of internal conflict. *Id.* at 22.

Finally, a recent world convention of the Food and Agriculture Organization (FAO) predicted that the growing rich-poor gap among nations will unleash a violence claiming the lives of millions in the next decades. *See* Associated Press wirestory dated June 17, 1970.

5 More studies of the "internationalized" internal war can be expected in the wake of the publication of interesting studies on the convergence of national and international systems and on the interplay between domestic and foreign policy, *e.g.*, LINKAGE POLITICS (J. Rosenau ed. 1969).

is to define situations of internal violence in such a way as to include a proper number of cases for generalization without including so many as to make conclusions trivial.

The tremendous variety existing in current literature shows how difficult this task of delimitation of subject matter can be. Under what general heading does "internal violence" belong? Among the many approaches possible, that of including internal violence as a part of the larger theoretical subject of social force has been utilized by Talcott Parsons.[6] Andrew Janos, among others, has theorized on the subject as part of the larger process of political competition — the struggle for authority in society.[7] Tedd Gurr, taking advantage of recent advances in relating political behavior and psychology, has used the larger categories of frustration and aggression to shed light on the phenomenon.[8]

Perhaps the most distinguishing characteristic of this analysis is that it is *international* in its emphasis. Specifically, instead of studying the domestic causes of internal violence, interest is focused on international effects of such violence. To this end, internal violence shall be considered as a part of the larger theoretical subject of war. The elements of a definition of the "internationalized internal war" include the following:

1. Concern is directed at situations of violence in the international system. A dispute is said to be violent when opposing factions are armed with weapons of war which are used with the intent to kill or wound.

2. These situations of violence unfold entirely within the boundaries of a single country and do not cross state boundaries.

3. Evidence exists in such situations of a planned system of attack against the established regime. A non-governmental body — a clique, a party, a movement — attempts to overthrow and to supersede the existing government.

4. After the introduction of a military option by one faction, an awareness spreads to the general populace that such a violent challenge to the established authority exists. The violence is not isolated and may become, at least potentially, a situation of generalized conflict.

5. The most important element of the definition is that in these situations of internal violence, either the ruling regime or the insurgents act as a channel for the direct or indirect participation of other actors in the international system. These actors include international organizations, nations and small groups within nations. This factor of participation (or "intervention") is the key element in determining the international effects of an internal war.

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6 *See generally,* Parsons, *The Place of Force in Social Process* in INTERNAL WAR, *supra* note 2.

7 *See generally,* Janos, *Authority and Violence: The Political Framework of Internal War* in INTERNAL WAR, *supra* note 2.

8 *See generally,* T. GURR, THE CONDITIONS OF CIVIL VIOLENCE: FIRST TESTS OF A CAUSAL MODEL (1967).

Although the evidence is not clear-cut in all cases, recent Latin American examples of internal violence containing each of the five elements include: Guatemala (1954), Costa Rica (1955), Venezuela (1960-1964), Cuba (1960-1961), Peru (1964-1965), the Dominican Republic (1965), and Bolivia (1966-1967).

What cases of internal violence are clearly excluded from consideration? Obviously, such violent incidents as student or labor riots which do not form part of a planned attack against an established regime are omitted. Also excluded are bloodless *coups* where force is threatened, but not actually employed (e.g., Peru, 1968; Bolivia, 1969; Argentina, 1970). The importance of a precise definition is not to be underestimated when dealing with internal violence; for example, one author identifies thirty-two "unequivocal cases of internal war" in Guatemala from 1946 to 1959. According to the definition employed in the present analysis, however, only the Guatemalan Civil War of 1954 is of direct concern.[9] Thus, the ability to limit the subject matter in internal violence simplifies the task of the analyst.

C. *Kinds of Internal Wars*

A great part of the difficulty in generalizing about situations of internal violence develops from a tendency to lump internal wars into a single category; this inclination is found even if reference is carefully limited to "internationalized" wars. One way of distinguishing these wars analytically is according to the intent of the insurgents once the dispute has become violent. As one author writes, "revolutionary means are compatible with highly diverse ends."[10] James Rosenau has urged that three types of internal wars can be segregated by distinguishing differing targets in such wars: the government personnel, the political regime, or the community as a social unit.[11] Rosenau referred to this selection of targets as the *scope* of the internal war and he presented a threefold distinction:

1. *Personnel wars* are those wars which are waged to determine the occupancy of roles in the existing structure of political authority with no aspiration on the part of the insurgents to alter the major domestic and foreign policies of the society. The overwhelming majority of the fifty-eight "successful revolutions" that King identified in Latin America between 1931 and 1950 fit into this category.[12]

2. *Authority wars* are wars fought over the arrangement, as well as the occupancy, of the roles in the structure of political authority, but with no aspiration on the part of the insurgents to alter either the other substructures of the society or its general ideological orientation. The violence in the Dominican Republic in 1960-1961 aimed at the Trujillo dictatorship is one example, but the category seems to apply specifically to colonial struggles such as in Kenya (1952-

9 This data is found in a study by Harry Eckstein and summarized in King, *Violence and Politics in Latin America* in LATIN AMERICAN RADICALISM (J. de Castro & J. Gerassi eds. 1969). Eckstein considers as "unequivocal cases" of internal war all instances of warfare, turmoil, rioting, terrorism, mutiny, and coups.

10 *Id.* at 205.

11 *See* Rosenau, *Internal War as an International Event* in INTERNATIONAL ASPECTS OF CIVIL STRIFE 45. (J. Rosenau ed. 1964).

12 King, *supra* note 9, at 194.

1958), Algeria (1954-1962), Cyprus (1952-1959), and Goa (1961-1962).

3. *Structural wars* are wars fought not only over personnel and the framework of authority, but also over the entire organization of the society, *e.g.*, the methods of production, the educational system, and the alliance structure. The most important structural wars are those that imply (or *seem* to imply) important consequences for the superpower struggle in the international system. Accordingly, the Bay of Pigs invasion and the Dominican Republic war of 1965 stirred such tremendous interest in the inter-American system.

It may, however, be misleading to present these three types as pure forms. Obviously, they overlap to a certain extent in reality and, in some cases, they may perhaps be considered as phases in a single war. The Mexican Revolution of 1910, for example, began almost as a personnel war, but, in the course of ten years, completely transformed the structure of Mexican society.

D. Principal Background Causes

What are some of the root causes that make the "internationalized" internal war such a characteristic phenomenon in the flow of world politics? The following factors help explain:

1. In a world so reduced in size that man-made satellites can circle it fifteen times a day, the fact that such a large number of territorial units are faced with situations of internal violence is bound to have an unsettling effect upon other nations, especially upon those with extensive foreign commitments.

2. All the major powers, and even some of the less powerful states, have complemented traditional diplomatic and bargaining techniques for exercising influence with vast programs of military and economic assistance. This has, in turn, allowed donor countries to affect the internal, political, economic, and social development of the recipient nations.

No single developing area has received more concentrated amounts of such military and economic aid than Latin America. In addition to the economic programs included under the far-ranging Alliance for Progress, the United States poured $1.135 billion in military assistance into Latin America between 1953 and 1966. Major recipients of such aid included Brazil, Colombia, Peru, and Venezuela. Significantly, each of these countries reported serious civil violence during the period in question.[13]

3. Political loyalties, which have been traditionally extended to the predominant political institutions and authorities, whether clan, tribe, nation, or empire, are sometimes directed instead to external political entities or ideologies. Thus, in Latin America, insurgent groups frequently identify with a transnational liberation movement. Of this new internationalism, Ernesto "Che" Guevara said:

> And let us develop a true proletarian internationalism with international proletarian armies, let the flag under which we fight be the sacred cause of

13 *Cf.* Lieuwen, *The Latin American Military* in SURVEY OF THE ALLIANCE FOR PROGRESS 128 (Committee on Foreign Relations, United States Senate ed. 1969).

Another useful study of military aid to Latin America is Sutton and Kemp, *Arms to Developing Countries 1945-1965*, 28 ADELPHI PAPERS (1966).

> redeeming humanity, so that to die under the flag of Viet Nam, of Venezuela, of Guatemala, of Laos, of Guinea, of Colombia, of Bolivia, of Brazil—to name only a few scenes of today's armed struggle—be equally glorious and desirable for an American, an Asian, an African, or even a European. . . . Each nation liberated is a step toward victory in the battle for the liberation of one's own country.[14]

4. Irregular warfare characterized by foreign intervention has been stimulated by the nuclear stalemate. It is certainly preferable for a great power to test the will and strength of its adversaries and advance its own national interests in the relatively controlled conditions of an internal war than in an outright nuclear confrontation. This causal factor is closely related to that of military aid programs to the developing countries.[15]

5. Revolutionary and counter-revolutionary interventionist strategies have marked the general foreign policy orientations of governments. Former Soviet Premier Nikita Khrushchev once described the Communist policy regarding wars of national liberation:

> What is the attitude of the Marxists toward such uprisings? A most positive one. These uprisings must be identified with wars among states. . . . The Communists fully support such just wars and march in the front rank with the peoples waging liberation struggles.[16]

In another context, certain countries of Eastern Europe are, of course, familiar with the Brezhnev doctrine of "limited sovereignty."[17] The revolutionary government of Cuba, to cite another example, has never made a secret of its support for insurgent activities in the hemisphere. Although the Cuban policy of exporting revolution can be identified more closely with the first years of the present regime, as late as April, 1970, Castro said, "Our country has not denied and will never deny its support to revolutionary movements."[18]

On the other side of the coin, the United States foreign policy has evolved in a counter-revolutionary interventionist direction. The roots of this policy go back to the Truman and Dulles Doctrines of the post-war and early Cold War periods. After ordering the massive invasion of the Dominican Republic, President Lyndon Johnson revealed his own ideas regarding internal violence in contemporary politics when he said: "Out of the Dominican crucible, the twenty American nations must now forge a shield against disaster. In today's world . . . the old distinction between the civil war and the international war has already lost much of its meaning."[19]

6. A factor that is of special importance in the Western Hemisphere is that

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14 Guevara, *Message to the Tricontinental* in LATIN AMERICAN RADICALISM, *supra* note 7, at 620.

15 For an analysis of changing importance of military power, *see,* KNORR, ON THE USES OF MILITARY POWERS IN THE NUCLEAR AGE (1966).

16 Taken from Nikita Khrushchev's report on the world situation, 1961, in K. HOLSTI, INTERNATIONAL POLITICS 315 (1967).

17 Brezhnev's views regarding sovereignty may be found in a PRAVDA editorial entitled *Sovereignty and the International Duties of the Socialist States,* republished in NEW YORK TIMES, Sept. 27, 1968.

18 *Fidel Exports Revolution* in EL MERCURIO (Santiago, Chile), Apr. 24, 1970.

19 *Cf.* NEW YORK TIMES, May 29, 1965.

an insurgent struggle against the authority of the incumbents is frequently perceived as a struggle against the external actor that backs up that authority. As Guevara put it, "Our every action is a battle cry against imperialism and a call for peoples' unity against the great enemy of mankind, the United States of America."[20]

7. The most important of the background factors listed to explain the proliferation of "internationalized" internal wars is the lack of effective international organizations able to act at any of the critical stages of such wars: to prevent disputes from becoming violent, to control foreign intervention once violence has developed, to arrange for a peaceful settlement, etc. While this is true of the United Nations, it is even more so true of the Organization of Amrican States.

III. The Internal Struggle Becomes International

Is it possible to "slow down" the dynamics of a situation of internal war in order to pinpoint the manner in which foreign intervention takes place? The recent writings of several authors provide much reason to believe that efforts in this direction are worthwhile.[21]

An internal war explodes from a situation of domestic crisis in which both the authority of the regime and the constitutional means of influencing or replacing the men who compose it are severely challenged. The crucial jump in the level of conflict from that of an intra-societal dispute short of open violence to actual armed conflict takes place when either the challengers or the challenged introduce a military option. The situation of internal war persists until either or both factions realize that engaging in further organized violence can no longer improve their relative positions at tolerable costs.[22] Certain elements within this very situation can be discerned which, according to George Modelski, make the "internationalization" of the dispute a logical necessity. Modelski refers to these elements as "internationalizing mechanisms."[23]

The model that Modelski proposes in order to understand the operation of these mechanisms requires a number of prior assumptions. First, the model implies a two-country system in which one of these countries is experiencing an internal war. Second, it is assumed that of the two contestants in the internal war, one is weaker than the other in terms of power. Third, it is necessary to assume that the actions of each side are not impeded by considerations of time or ease of communications with other actors in the system. Fourth, and finally, it is assumed that the weaker faction in the internal war has exhausted all apparent internal means of increasing its strength.

From this set of assumptions, Modelski introduces the first internationalizing mechanism: the necessity of the weaker faction to seek outside aid in order to

20 Guevara, *supra* note 14, at 620.

21 One of the best articles on the international elements of internal violence is Modelski, *The International Relations of Internal War* in INTERNATIONAL ASPECTS OF CIVIL STRIFE 14. (J. Rosenau ed. 1964). For an excellent study of the dynamics of internal wars, *see* L. BLOOMFIELD & A. LEISS, *supra* note 4, at chs. 1-2.

22 L. BLOOMFIELD & A. LEISS, *supra* note 4, at chs. 1-2.

23 Modelski, *supra* note 21, at 20-24.

improve its position. This mechanism, Modelski argues, "inheres in the fundamental condition of struggle for power found in internal war."[24]

In Latin America, there are several recent examples of the operation of this mechanism. After the first four days of fighting in the 1965 Dominican crisis, the loyalist forces seemed to be on the verge of defeat at the hands of the *constitucionalistas* under the command of Colonel Francisco Caamaño. Virtually driven from the capital city of Santo Domingo and fearing for the worst, the loyalists put in an urgent plea for United States intervention. The sympathy of the American ambassador produced the contacts that led to the eventual landing of forty-thousand American troops in a ten-day period.[25] Other less effective first calls for outside aid were issued by insurgent groups attempting to attack and invade Haiti and Cuba in 1970. In both cases, appeals were apparently made for some type of United States assistance, but Washington refused to become involved. The events illustrate that while the demand for outside aid may not always be heeded, such a demand is, nevertheless, present in the internal dispute.[26]

The second internationalizing mechanism follows logically from the first. If the stronger side is to maintain its position of power, it must likewise search for outside aid once it knows, or even suspects that its opponents are receiving external aid. The classic example of the operation of this mechanism is found in the case of the Spanish Civil War in reference to the Republican request for Russian intervention to counter the Italian and German aid available to Franco.[27]

This second mechanism sets in motion an entire process of realignment within the international system: friendly nations are sought out by each side, with those nations assisting the opposing faction being treated as enemies. This process of adjustment can go on even if initial reports of foreign aid to support the weaker faction are eventually discovered to have been false. For example, authoritarian, right-wing regimes in Latin America habitually condemn an "international communist conspiracy" when confronted with any potentially dangerous internal disruption. Modelski summarizes: "The natural and obvious expectation that the weak party will sooner or later summon foreign help forces the stronger side to make anticipatory countermoves even if no call for such aid has actually been sent out."[28]

The third and final internationalizing mechanism that can be distinguished is a function of a so-far unmentioned domestic faction: the band of moderates or conciliators who favor neither of the competing factions in civil violence as much as they wish to promote an immediate cease-fire and peaceful settlement to the dispute. This internal "third party" of peacemakers is usually supported by

24 *Id.* at 20.

25 For details on the U.S. decision to send troops, *see* Moreno, *Chronology of Events Relevant to the April Revolution* in POLITICAL POWER IN LATIN AMERICA: SEVEN CONFRONTATIONS 238 (R. Fagan & W. Cornelius ed. 1970); Vilas & Acosta, *Republica Dominicana y Checoslovaquia en la Politica de Bloques* in REVISTA DE ESTUDIOS INTERNACIONALES, Ano 2, No. 4 (Enero-Marzo, 1969).

26 The abortive insurgent movement in Haiti is related in United Press International wirestories from April 24-30, 1970. For details on the invasion of Cuba by a Miami-based exile group known as Alpha-66, *see* GRANMA (Habana, Cuba), April 2-23, 1970.

27 The Spanish Civil War presents an almost "pure form" of external intervention in internal war and deserves close study by any serious analyst. For one of the best treatments of the war in English, *see* H. THOMAS, THE SPANISH CIVIL WAR (1961).

28 Modelski, *supra* note 21, at 21.

at least some actors within the international system who perceive acute dangers for peace in the entire system if the internal violence goes unchecked. Thus, the third party may also seek and receive outside aid—from individual actors or from a group of actors representing an international organization—in the form of efforts aimed at mediation or reconciliation. Such a group, for example, requested the mediatory efforts of the United States Embassy in the Dominican Republic at the height of the fighting before the final American decision to intervene, but the request was turned down.[29]

Another well-known example of the action of this third mechanism is the work of the International Commission for Supervision and Control in Laos, which negotiated a temporary political settlement between the royal government and the Pathet Lao in 1957. The French government under General DeGaulle, attempted to play this role of peacemaker in the Viet Nam War and its efforts were instrumental in the eventual convocation of the Paris Peace Talks in 1968.

Each of these three models of internationalization has been presented in an active way with internal groups described as always assuming the initiative. Modelski observes that these mechanisms may also assume a passive form:

> The internal war parties may be "used" by an outside power for its own purposes. Thus the outside power may incite an internal war by urging on, organizing, and subsidizing a passive yet discontented body of men; it may press its aid upon a government unwilling to incur the odium of outside support; or, finally, it may force its mediatory services upon unappreciative contestants.[30]

Some recent examples of the "passive operation" of these mechanisms come quickly to mind. The United States' role in organizing and encouraging exile groups to overthrow established governments in Guatemala (1954) and Cuba (1961) is well-known. The Soviet invasion of Czechoslovakia in 1968 is an example of an outside power attempting to "press its aid upon a government unwilling to incur the odium of outside support." Finally, the United Nations intervention in the Congo in 1960 responded more to community support for a negotiated settlement of an internal dispute than to any real petition for assistance from internal groups.

Both the original search for outside aid and the efforts to counteract that search pressure the entire international system to respond and react in some way. The potential actors cover a range from small groups of sympathizers within a second country (*e.g.*, international liberal support for the Spanish Republic) through nation-states, to the United Nations itself. Based on the analysis of internationalizing mechanisms, it can be maintained that the responses that these actors eventually decide upon will fall into one of three categories:

1. They will assist the weaker faction. Since this faction is usually (although not always) the insurgents, this response can be termed subversion.

29 Moreno, *supra* note 25, at 239.
30 Modelski, *supra* note 21, at 23.

2. They will assist the stronger faction. As the incumbents are generally the stronger faction, this response is known as foreign aid.

3. They can attempt to assist in mediation in order to cut off violence and to bring about a peaceful settlement of the dispute.

Although a detailed analysis of these responses is the task of later sections of this article, a preliminary explanation of the process of international action in internal disputes in Latin America can now be advanced. It seems fair to state that internal wars in Latin America present the greatest dangers of "internationalization" and extreme polarization when Cuba (or some other socialist state) chooses to engage in subversion and the United States responds with foreign aid. This situation is especially dangerous because no actor—no single nation or international organization—has been able in such a situation to assume the forceful and impartial stance necessary to engage effectively in the third response of mediation.

IV. The Response of the International System

A. Variables Affecting Intervention of Individual Actors

1. A Note on Intervention

Before beginning an examination of the dynamics of outside participation in internal violence, it is necessary to state clearly how that often-used term "intervention" is to be understood in this context. One question that can be asked is the following: does "intervention," as opposed to "non-intervention," still have any meaning in contemporary politics? John Herz said:

> In a symbolic way (in addition to their possible use for hostile purposes), satellites circling the globe and penetrating the space above any territory of the world, regardless of "sovereign" rights over airspace and duties of "non-intervention," serve to emphasize the new openness and penetrability of everything to everybody.[31]

In an age of spy satellites, extensive programs of foreign aid, and gigantic multi-national corporations, the concept of sovereignty has undoubtedly undergone much revision and, consequently, "intervention" has become a much more relative term. This is even true in Latin America where "non-intervention" has for so long been practically a sacred principle of the inter-American system.[32] While the direct military interventions characteristic of "Big Stick" days may be a thing of the past (the case of Santo Domingo in 1965 notwithstanding), the United States (as with other powers acting within their respective zones of

31 J. Herz, International Power in the Atomic Age (1959). Herz has made some important clarifications regarding basic aspects of this book; *see* his article in International Politics and Foreign Policy: A Reader in Research and Theory (J. Rosenau rev. ed. 1969).

32 A very thorough treatment of non-intervention in the context of the Western Hemisphere may be found in A. J. Thomas, Jr. & A. V. W. Thomas, Non-Intervention: The Law and its Import in the Americas (1956).

influence) has a variety of diplomatic, economic, political, and other means at its disposal to affect either the structure or policies of foreign governments. When Peru expropriated oilfields belonging to the American-owned International Petroleum Company in 1968, for example, tension grew throughout the hemisphere while the United States debated about applying the provisions of the Hickenlooper Amendment cutting off Peru's much needed supplies of American aid.

How, then, is intervention to be understood? It is any type of systematic activity from abroad designed to affect either government personnel or key government policies within a state. As Richard Falk summarizes: *"Intervention refers to conduct with an external animus that credibly intends to achieve a fundamental alteration of the state of affairs in the target nation."*[33]

2. Scope and Value Orientation as Variables

Three variable factors in each situation of internal war — the scope, the value orientation, and the duration of conflict — have been selected in an attempt to determine the effects they produce in terms of interventionary behavior on the part of other actors in the international system.

James Rosenau has classified types of internal wars based on the first of these variables, the scope of the conflict, i.e., the goals for which the war is fought.[34] As a preliminary observation, it was implied that the wider the scope of the internal war, the greater would be the tendency for more nations in more parts of the world to intervene.

Inseparable from a consideration of the independent variable of the scope of the internal war is a treatment of the war's value orientation. In other words, what values are at stake in the conflict? What set of social objectives does each contestant represent? To what extent are the respective values in harmony with or in opposition to the dominant values of the actors nearest the scene of the internal conflict, of the region in which it is being fought, of the bloc which encompasses it, of the international system as a whole?

Upon considering these questions, an initial hypothesis could be formulated: the more one side or the other places in question dominant values held by other actors in the international system, the greater will be the tendency for more nations in more parts of the world to intervene.

One possible way of interpreting the issue of "value orientation" in Latin America is to examine and contrast the "development approaches" of both incumbents and insurgents. By assuming that the struggle for social justice (i.e., full development) is the background for most contemporary violence in Latin America, actual conflict can be understood as a clash between proponents of incompatible methods of achieving development.

To illustrate, in his study of political factors in economic development, Charles Anderson identifies the three principal approaches likely to be maintained

33 *Cf.* Falk, *On Legislative Intervention by the United Nations in the Internal Affairs of Sovereign States* in Legal Order in a Violent World 343 (J. Falk ed. 1968).

For a number of different approaches to intervention in contemporary politics, *see* 22 J. Int'l Aff., No. 2 (1968).

34 Rosenau, *supra* note 11.

by contestants in political power struggles.[35] Advocates of the "conventional approach" argue that development is the extension of the present productive capacity of the modern sector and, therefore, the role of government should be to support, stimulate, and protect industry, commerce and market agriculture. The "democratic reform approach" is maintained by those who believe that the reduction of discrepancies in internal living standards within the present economic system is the best path to development. Hence, government is concerned with redistributing the wealth through structural revisions in the political and economic system. Finally, the "revolutionary approach" maintains that development is dependent upon the destruction of the power of national elites, as symbolized by the economy's modern sector, and re-orienting the entire system of production. Government is attributed the role of mobilizing the national society for a total effort of growth and change.[36]

According to previous assumptions, the most serious violence (or potential violence) ought to take place between organized groups within one society committed to the extreme "conventional" and "revolutionary" positions. This seems to have been the case in Cuba from 1957-1959 and in a host of violent situations throughout the 1960's of which Brazil's position today is but one example. Similar confrontations between the extreme positions took place in Guatemala (1954) and the Bay of Pigs (1961).

In discussing value orientation, it is important to remember that, in the context of internal violence, such development approaches represent much more for the men involved than divergent economic viewpoints. They can and often do symbolize values worth dying for. Value orientation can, therefore, be seen as closely related to the scope of the internal war. Can the insurgents' development approach be implemented simply by changing government personnel, or is it necessary to alter patterns of authority or even the entire structure of society?

Ordinarily, the international reactions to a personnel war will be very limited. In such cases, the dispute centers upon the occupancy of the positions of authority and both contending parties will hold similar sets of values. The numerous coups in Ecuador in the decade of the 1960's for example, provoked little if any external intervention. A resort to violence in a personnel war can, however, lead to involvement by adjacent nations as the contending factions find themselves more in need of arms, bases and such factors as political asylum. A violent personnel war almost erupted in Argentina in 1970 when President Onganía, upon being informed of the plans of other members of the ruling military junta to depose him, issued a call for resistance on the part of loyal troops. Violence was averted when Onganía later acceded to the wishes of the junta.

In the case of an authority war, the opportunities for foreign intervention are increased. These wars are more likely to involve conflicts over values, as is the case, for example, in a contest between a dictator and a group of insurgents dedicated to the establishment of a democracy (cf. the aid of various countries to Dominican insurgents seeking to overthrow Trujillo). As Rosenau writes:

35 *See* C. ANDERSON, POLITICS AND ECONOMIC DEVELOPMENT IN LATIN AMERICA (1967). The views of Anderson that are most directly related to this analysis can be found in his article *Political Factors in Latin American Economic Development* in 20 J. INT'L AFF., No. 2 (1966).
36 *Id.*

> To the extent that this value is of pressing concern to other nations, either as a matter of contention at home or as a key feature of policies abroad, then to that extent they will develop a stake in the outcome of the hostilities.[37]

In a supposed struggle against an incumbent authoritarian regime, for example, it would be expected that other dictators would see their values at stake in the contest. These could then be expected to lend diplomatic or even logistical support to the besieged regime. On the other hand, newly independent nations or countries whose foreign policies strongly support the values of self-government could be expected to lend whatever support possible to the insurgents. As a result, given the growing importance of foreign participation, the two contestants in the authority war are able to expand their activities, and consequently expand the war.

Structural wars involve the greatest consequences for both the internal affairs and foreign policies of other nations. An increasing number of universal values divide the combatants and the war takes on a greater significance for the entire international system. In the contemporary period, structural wars that generate the most external participation are those which take place within the context of the East-West ideological struggle. It is especially in regard to these types of wars that other nations perceive themselves as threatened or feel that they will be threatened or hindered in the future. Thus, their willingness to intervene greatly increases, since they are unable to disassociate the challenge presented to other societies from challenges to their own societies.

Latin American structural wars that have provoked the greatest external reactions have been those perceived as generalized conflicts of values (e.g., Cuba in 1961 and the Dominican Republic in 1965). During the height of the Dominican crisis, President Johnson gave this opinion of its ultimate significance for the inter-American system: "At stake are the lives of thousands, the liberty of a nation, and the principles and values of all the American Republics." The inherent danger for the inter-American system in contemporary violence in Guatemala, Brazil, Uruguay, and Argentina is that any one of these conflicts, upon escalation to higher levels of intensity, might be perceived in the same manner from abroad. Such perceptions, even if erroneous, could lead to large-scale interventionary activities, up to and including the dispatch of invading forces.

The following chart is an attempt to summarize the preceding discussion regarding the differential effects of the variables "scope" and "value orientation":

37 Rosenau, *supra* note 11, at 65.

SCOPE	UNIVERSAL VALUES INVOLVED	REACTION OF OTHER ACTORS
Personnel	None	Local concern: bases, political asylum, etc., in adjacent countries.
Authority	Few	Regional concern: diplomatic and economic pressures, limited logistical support, aid programs, etc.
Structural	Generalized conflict of values	World-wide concern: more severe economic pressures such as embargoes, large-scale aid, subversion, guerrilla warfare, direct military intervention, etc.

3. Duration of the War as a Variable

An understanding of the relation between the duration of an internal war and foreign intervention is crucial to an understanding of how conflict widens.[38] James Rosenau has formulated the main questions that arise in regard to this variable thus: In what way does the length of a war matter insofar as its international consequences are concerned? Is the linkage a simple and direct one, with each increase in duration fostering an increase in consequence? Are the effects of internal violence cumulative or are there particular stages in an internal war which, when they are entered, have unique characteristics that alter and intensify responses abroad?[39]

In order to consider these questions, it is necessary to view the time factor in relation to two additional variables of the internal war itself: (1) the relative capabilities of the combatants, and (2) the compatibility of their goals.[40] Thus, a long war is one in which both insurgents and incumbents begin with or soon obtain a relative balance in regard to their capabilities for waging the war and where each possesses a contrary set of goals (e.g., Colombia, 1947-1957; present conflict in Viet Nam). A short war, on the other hand, would soon reach an end due either to the immediate and overwhelming firepower of one side (Cuba, 1961) or the compatibility of their goals.

The most crucial period for the internal war's escalation is the very beginning of conflict, for, once both sides survive the initial days of combat, a period of polarization and, later, stalemate will set in as each side receives enough support to maintain relatively equal capabilities and becomes more adamant in its original grievances. Furthermore, new grievances and demands may well be added to these original ones during the course of the war.

In their detailed study of fifty-four internal wars, Bloomfield and Leiss dis-

38 *Cf.* L. Bloomfield & A. Leiss, *supra* note 4, chs. 1-2.
39 Rosenau, *supra* note 11, at 70.
40 *Cf. id.* at 70-76.

covered that this beginning period of conflict, i.e., the phase immediately preceding the outbreak of violence, is the one that offers the greatest possibilities for conflict control.[41] In a study of "theoretical opportunities for conflict control," the authors found that thirty-six per cent of such opportunities (149 of 425) occurred in the pre-violence phase of the conflict. Further, the largest group of these opportunities (146 or thirty-four per cent of the total) involved peacemaking or peacekeeping measures by international organizations. The authors judged that such measures might have been employed through the use of existing international machinery or through the use of that machinery once it had been improved.

Foreign participation in internal war seems to be positively related to periods of uncertainty in the pattern of the war. The initial period is one of great uncertainty as capabilities are tested and goals analyzed. It is during this period that both insurgents and incumbents are most likely to contact outside actors as they seek to widen as quickly as possible their domestic and foreign bases of support. At the same time, outside actors are most interested in analyzing, first, the nature of the conflict, whether it is a personnel, an authority, or a structural war, and, second, to what extent the victory of one side would challenge their own society. In this period, the initial commitments from outside actors are made: diplomatic pressure is applied, aid programs established, materials supplied or promised, etc.

If capabilities are balanced and goals incompatible, however, the war enters a period of stalemate marked by irreconcilability. The degree of uncertainty which originally prompted foreign participation remains during this period on about the same level. This period of stalemate may extend for years, as it has in Viet Nam, but as the war moves out of a stalemate and nears an end, uncertainty mounts as the war-torn nation faces the task of redirecting itself. This period of climax coincides with the greatest levels of uncertainty both at home and abroad and is the period most likely to see the involvement of other actors.

The model of the internal war that passes through stages of escalation and eventually reaches some type of conclusion may be misleading. What about those cases of internal war in which violence flares up repeatedly, despite claims to victory by one side or the other? The violence in Colombia, thought to be over in 1953, raged on, albeit sporadically, for four more years. The present insurgency problems in Venezuela date from a 1960 outbreak that the government claimed to have put down by 1964.

In those cases where an obvious conclusion is reached, however, the period of greatest foreign involvement seems to be precisely that time between war and peace during which other nations seek to establish some relation with the victor and during which the future domestic and foreign policies of the society begin to take shape. This certainly seems to have been the case at the conclusion of the Nigerian Civil War in 1970. International interest in the conflict reached a peak as many governments jockeyed to re-establish relations with the Lagos government.

In summary, the duration of the war and the degree of foreign involvement appear to be positively related and, thus, this relation is at its strongest as the internal war is perceived to be reaching a conclusion. By contrast, possibilities

41 L. BLOOMFIELD & A. LEISS, *supra* note 4, 33-44.

for conflict control and peaceful settlement, especially through the facilities of international organizations, show an inverse relationship. Thus, the longer the war, the more difficult it will be for organs of community expression to control the level of violence from abroad.

B. The Intervention of International Organizations

The interventionary activities of groups of nations acting collectively as international organizations can be classified along the same interventionary scale established for individual actors. Such activities can range from diplomatic or economic pressures up to and including full-scale armed intervention.

The actions of the United Nations in internal wars have varied from economic pressures upon the incumbents in Southern Rhodesia to full-scale peacekeeping operations in the Congo. With the exception of the intervention in Korea, however, this universal organism has been unable to operate in conflicts where the superpowers see their vital interests involved.

Regional organizations have assumed a more active, if less impartial, role in internal disputes. In the contemporary system, such regional groupings are of several types. One group includes collective defense arrangements, such as NATO and the Warsaw Pact, which are primarily oriented toward the external defense of their territories. Another type of regional organization is distinguished by a much wider variety of functions, powers, and implementing machinery. The Organization of American States has long been recognized as the prototype of such organizations. Others include the Arab League and the Organization of African Unity, although their degree of internal cohesion is considerably lower than that of the OAS.[42]

In contrast to the behavior of nation-states, international actors do not react exclusively to immediate challenges to their internal structure and foreign policies. Their actions are also heavily dependent on what might be called "the perceived climate of world opinion." George Modelski has classified these reactions under three headings: diffusion and encouragement, isolation and suppression, and reconciliation.[43]

In some cases, international actors can, by their action or inaction, actually encourage an internal conflict. They may strengthen the hand of the insurgents, build up their morale, keep up their hopes, facilitate the flow of supplies to their armies, and, above all, isolate and demoralize the incumbents.

The OAS has assumed this position of encouraging insurgent activities at a number of times. During the Guatemalan violence of 1954, for example, the Organization took no effective action to arrange for a peaceful settlement and blocked the arbitration pleas of the incumbent Arbenz regime. In the Dominican Republic from 1960-1961, OAS-sanctioned diplomatic and economic pressures against Trujillo encouraged the rebel activities that eventually overthrew the dictator and his regime.

The second method of reaction on the part of the international system acting

42 For an analysis of the operation of the United Nations and regional organizations in internal conflicts, *see* L. MILLER, WORLD ORDER AND LOCAL DISORDER (1967).

43 Modelski, *supra* note 21, at 31.

through international organizations is to isolate and suppress an internal war. Thus, the "climate of opinion" tends to oppose the position of the insurgents and reinforces the incumbents.

The pattern of isolation and suppression has characterized the actions of the OAS in regard to those insurgent activities in which communism was thought to be a factor. This anti-communist reaction of the OAS will be discussed in more detail in a later section of this analysis, but the examples of OAS action in "allowing" unilateral external interventions to suffocate left-wing insurgencies in Venezuela (1960-1964) and Bolivia (1966-1967) serve to illustrate this point.

The third generalized reaction of the international organization is to attempt to arrange some form of peaceful settlement. In cases where this reaction has been seen, the peacekeeping measures were adopted because the international system (or a sub-system of it) attached less importance to the outcome of the war itself than to the fact that the violence localized in one country might eventually spread.

United Nations peacekeeping missions in the Congo (1960) and Cyprus (1964) follow this pattern. The OAS has not engaged in a successful role of mediation in internal violence since the series of troublesome Caribbean disputes in the early 1950's. The Inter-American Peace Force, created by a bare two-thirds majority vote of the OAS during the Dominican crisis of 1965, served chiefly to legitimize the individual actions of the United States. By the time the Peace Force arrived in the Dominican Republic, the violence had already been put down by the much larger American forces acting unilaterally.[44]

Thus far, the analysis has centered upon the differential effects of internal wars on the international system from the points of view of both individual actors and international organizations. It is now necessary to see: (1) how the reactions from the international system affect the course of the internal war, and (2) how that war can then affect the general flow of relations within the international system.

V. The Effects of the International System upon the Internal War

Each actor within the international system, whether reference is made to groups within a nation, nations, or international organizations, is basically faced with three general modes of interventionary activity: to aid the insurgents, to aid the incumbents, or to try to arrange for a negotiated settlement to the dispute.

If the activities carried out according to each one of these modes of intervention can be considered as causal actions producing consequences upon an internal war, the effects produced can be grouped into four main categories:

1. The intensity of battle;
2. The conduct of the war;
3. The duration of the conflict; and
4. The termination of the conflict.

44 The relationship of the Inter-American Peace Force to the OAS and the UN is discussed in R. RUSSELL, THE UNITED NATIONS AND UNITED STATES SECURITY POLICY 178-84 (1968).

Before analyzing the principal aspects of each of these categories, a note of caution regarding the analysis of interventionary activities is needed. Care must be taken not to associate instances of foreign intervention with an automatic advantage for one side or the other. For example, once an actor decides to intervene in a determined instance of civil strife, both insurgents and incumbents may discover that they have more in common with each other than either one does with its "foreign ally." In like manner, a large-scale intervention may have the effect of dwarfing the host faction and rendering it incapable of ruling once it has achieved a victory in battle.

United States interventions in both South Viet Nam and Santo Domingo provide examples for the above-mentioned points. In each case, the infusion of massive amounts of United States aid gave (and continues to give) the incumbents significant military advantages, but at the double cost of, first, obscuring the primarily local issues that led to the violence in the first place and, second, making it difficult for the incumbents to present themselves as independent rulers. The Thieu-Ky government has been continually denounced as a puppet-regime, while incumbent Dominican President Balaguer faces what appears to be the permanently alienated political sectors whose popular expression was crushed by the 1965 invasion.

A similar point could be made that if an actor only intervenes in a limited way, his actions may do more harm than good to all concerned. Thus, the United States suffered great embarrassment at the time of the Bay of Pigs invasion. Meanwhile, its erstwhile Cuban allies, and successor groups of exiles, acquired such a "Made in U.S.A." label as to make their appeals to Cuban patriotism extremely dubious. In like manner, an ill-planned exile invasion of Haiti by Cuban-sponsored insurgents in 1959 both strengthened the hand of the Haitian incumbents and alerted a previously admiring hemisphere to the policy orientations of the new Cuban government.

Obviously, attempts to understand the phenomenon of "internationalized" internal wars would be greatly advanced if there were reliable means of measuring the extent and effect of instances of foreign intervention.[45] In order to measure the effect of foreign intervention, it is above all necessary to have a good source for the relevant data. The difficulties involved in this task in the explosive situation of an internal war are apparent. It would also be necessary to have a clear idea of the course of the war before any foreign intervention was noted and to be able to conjecture on what course the war would have taken had no intervention occurred. With these precautions in mind, it is possible to analyze the categories established to determine the effects of the foreign intervention upon an internal war:

1. *Intensity of battle.*

What percentages of both population and national territory were actually involved at the war's beginning?

45 Karl Deutsch has provided suggestions as to means of measuring the extent and effect of instances of foreign intervention in the following articles:
External Involvement in Internal War in INTERNAL WAR, *supra* note 2; *Failures of Control, Forms of War* in INTRODUCTION TO INTERNATIONAL RELATIONS (K. Deutsch ed. 1968).

How did these figures change over time, and specifically after each major injection of outside aid?
In regard to recruitment and attrition, how many of the local population were added to each faction and how many lost through casualties, surrenders, defections, or desertions?
How many foreign actors participated, and what was the extent of the intervention of each foreign actor in terms of money, materials, specialized services, and manpower?

2. *Conduct of the war*
What were the main issues at the war's outset, and how did these change with time?
To what extent did foreign intervention and the passage of time subordinate the local issues to those of a more international character?
What was the extent of the involvement on the diplomatic level of regional and universal organizations?

3. *Duration of the conflict*
When and over how long a period were significant acts of foreign intervention noted?
By comparison, how long did hostilities continue on a significant scale and how much longer beyond that were special measures of suppression or "pacification" applied by the victor at significant level of cost?

4. *Termination*
Did the internal war end in a victory for the insurgent faction or in a victory for the incumbents?
Was a negotiated settlement arranged?

The manner in which foreign intervention affects the termination of internal wars is worth considering in more detail. If a list of major internal wars since 1900 to the present is assembled (keeping in mind the difficulties inherent in distinguishing cases of significant external intervention), it can be seen that the great majority of internal wars have ended in an outright win either for the insurgents or for the incumbents. George Modelski analyzed one hundred internal wars in the period from 1900 to 1962 and found that seventy-eight of these wars resulted in an outright win for one of the two sides.[46] An important number of wars, however, have ended through the more peaceful means of separation or negotiated settlement. Examples of the first means include the cases of Indonesia in 1949, Viet Nam in 1954, and Cyprus in 1959. Negotiated settlements obtained

46 Modelski's entire list appears as an appendix to his article *International Settlement of Internal War* in INTERNATIONAL ASPECTS OF CIVIL STRIFE, *supra* note 11, at 150-53. It should be noted that Modelski's definition of "internal war" differs slightly from that employed in this analysis. For a more up-to-date list of internal wars, *see* L. BLOOMFIELD & A. LEISS, *supra* note 4, at Appendix C.

through United Nations or other multilateral action, include: Laos, Lebanon, the Congo, and Cyprus.[47]

Concentrating upon Latin America, experience reveals that there have been very few conflicts that have not resulted in an outright win. The following list of fifteen major internal wars has been assembled according to the way in which these wars terminated. In most cases, significant external intervention was a crucial factor, but struggles that were primarily internal (e.g., Mexico, 1910 *et al.*) have been included if considered to be of sufficient importance. Two facts are worth mentioning beforehand. First, there have been very few instances of negotiated settlement in Latin America. Second, in the part of the list involving those internal wars completed before 1960, it will be noted that the insurgent factions were victorious in every contest, while from 1960 on, that trend has been completely reversed:

COMPLETED INTERNAL WARS IN LATIN AMERICA ACCORDING TO METHOD OF TERMINATION

	Incumbent Victory	*Insurgent Victory*	*Separation*	*Settlement*
Panama, 1903			X	
Nicaragua, 1909-10		X		
Mexico, 1910-20		X		
Brazil, 1930		X		
Argentina, 1943		X		
Colombia, 1947-57				X
Caribbean Disputes, 1950-1951				X
Bolivia, 1951		X		
Guatemala, 1954		X		
Argentina, 1955		X		
Costa Rica, 1955		X		
Cuba, 1958-59		X		
Venezuela, 1960-4	X			
Bay of Pigs, 1960-61	X			
Peru, 1962-65	X			
Dominican Republic, 1965	X			
Bolivia, 1966-7	X			
	5	9	1	2

VI. How Intervention in Internal Wars Affects the International System

James Rosenau points out that the international system may be affected as a

47 For detailed accounts of UN peacekeeping methods in these disputes, *see:* O. YOUNG, TRENDS IN PEACEKEEPING (1966); A. COX, PROSPECTS FOR PEACEKEEPING (1967).

A group of scholars at Princeton has analyzed the significance of internationally achieved neutralization in key conflict areas. *See,* C. BLACK, K. KNORR, R. FALK & O. YOUNG, NEUTRALIZATION AND WORLD POLITICS (1968).

result of intervention either in regard to its structure or its stability.[48] The structure of the system refers to its dominant cultural patterns and to the existing power configuration of individual actors. Stability is defined as the degree to which relations between the various actors in the system are characterized by harmony and the absence of open violence.

Since internal wars that remain in the categories of personnel or authority wars by definition provide relatively few repercussions in the international system, discussion will be limited to structural wars of long duration. Speculation on the effects produced by the action of the international system on itself can be discussed on the basis of the following classification of types of intervention: unilateral intervention, intervention by various nations, and multilateral intervention through international organizations.

Unilateral intervention in internal wars provides the least threat to the stability of the international system, but may have serious consequences for the structure of the system (or sub-system). Recent interventions by the United States and the Soviet Union are examples of the way in which a nation, by mobilizing sufficient support for its own unilateral action, can establish itself in a firmly hegemonic position and impose a certain "formula" upon other societies within a regional sub-system.[49]

Interventions by various actors, especially if they intervene on opposing sides, are not as directly related to the structure of the system, but can present a threat to the stability of the system. On one level, such interventions may result in a permanent weakening of relations between nations that intervene on opposing sides of an internal war. This would certainly seem to be the case of relations between the United States and China due to their participation in wars in Korea and Viet Nam. The long-range effects for the international system of such weakening of relations may be even more serious than the internal wars themselves.

On another level, the danger of escalation is always present when various actors intervene in an internal war. This process has been described in a long series of steps by Herman Kahn who pictures the limited internal war as only a temporary resting place on the ladder of escalation.[50]

The inherent dangers for the stability of the international system implied in a possible Russian-American confrontation in the Middle East need no elaboration. Although the Arab-Israeli conflict is an interstate dispute, it is very similar in structure to the limited, internal warfare that can slowly drag great powers into a major war.

The intervention of regional and universal organizations will be treated in the next section. It is enough for now to say that the interventions of these organizations have been of extremely limited success, assuming their original goal to be that of a peaceful and just settlement to the war. Some examples of international intervention, such as UN action in the Congo, give rise to hopes for the future role of these organizations, but most interventions have resulted in

48 *Cf.* Rosenau, *supra* note 11, at 82-83.

49 For a polemical view of the interventionist foreign policy of the United States, *see* R. BARNET, INTERVENTION AND REVOLUTION (1968).

50 For his theory of the explosive potential of internal war, *see* H. KAHN, ON ESCALATION (1963).

both a weakening in general respect for the processes of international law and loss of confidence in the organization itself.

VII. Regulating Intervention in Internal Violence: The Peacekeeping Structure of the OAS

A. Introduction

For the reasons that have been enumerated in the preceding analysis, internal wars will continue to be the dominant form of politics in the international system. As long as this is the case, foreign intervention will continue to occur with substantial effects upon the society undergoing the internal war, upon relations between individual actors in the system, and upon the patterns of relations within the international system itself.

What should be the reaction of a policy-oriented study to this situation? Eliminating intervention as a central aspect of international politics is obviously an unrealistic objective. Thus, emphasis should be placed upon identifying the mechanisms that could channel the process of intervention in such a way as to minimize long-range threats to world peace and maximize possibilities for social justice. The keynote is provided by Richard Falk: "[C]ivil strife constitutes the major challenge to those convinced that decisions to use military power in world affairs should not be matters of national discretion."[51]

With this challenge in mind, what is the role of the international organization in regard to internal violence? Specifically, how can existing machinery be better used or transformed in order to further values of peace and social justice? If this question could be answered in a thorough and searching way, another could be asked: How might this machinery, provided it proves useful in the pursuit of the above-mentioned goals, be equipped with supranational functions in order to assume more effective decision-making powers in the use of violence in the international system?

While this last question exceeds the scope of this article, questions regarding the present role of international organization are capable of analysis within the limits established. Attention will be directed exclusively now toward the situation in Latin America in an effort to examine existing institutions and propose new policies.

B. Non-Intervention in the Americas

The legal history of the principle of non-intervention is one of the longest chapters in any summary of the development of the inter-American system. Non-intervention has traditionally been a mater of great concern to the Latin Americans given their geographical proximity to what has become the most powerful nation in the world.[52] The history of non-intervention is the account of the changing interpretations of the principle in conformity with the perceived security inter-

51 Falk, *The International Regulation of Internal Violence in the Developing Countries* in PROCEEDINGS OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW 58-59 (1966).

52 The best historical treatment of non-intervention is probably: A. J. THOMAS, JR. & A. V. W. THOMAS, *supra* note 32.

ests of the United States. Thus, from the original purpose of non-intervention as expressed in the Monroe Doctrine, i.e., resistance to European coercion, the principle has come to mean that the United States, or the OAS in harmony with the interests of the United States, is able to intervene in hemispheric disputes.

The first Latin American attempts to do away with all legal pretexts for unilateral intervention in the hemisphere were recorded as long ago as the Sixth International Conference of the American States in Havana in 1928. Although these first efforts were successfully blocked by the United States, the advent of the Roosevelt Administration gave rise to renewed hopes. In 1933, the Montevideo Convention on the Rights and Duties of States provided a partial step toward the establishment of a legal duty of non-intervention.[53] A more direct condemnation of intervention was accomplished by the agreements of the Inter-American Conference for the Maintenance of the Peace which met at Buenos Aires in 1936.[54] Two post-war conferences gave final form to the principle. At the Mexico City Conference on the Problems of War and Peace in 1945, the nations of the hemisphere affirmed unanimously the absolute liberty of each state in the management of its internal affairs.[55] After this period of evolution, non-intervention reached its most definitive legal form in Article 18 of the Charter of Bogotá, the instrument that established the Organization of American States in 1948:

> No State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force, but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.[56]

C. When Is Intervention Permissible?

Despite the definitive character of Article 18, there is an interesting tradition in the inter-American system favoring collective intervention to support popular revolutions against dictatorships. The tradition dates back to a Chilean proposal in 1837. The idea of such intervention was thoroughly discussed, although ultimately rejected, at the Congress of Lima in 1847.[57]

In a more contemporary context, the idea was revived in a proposal formulated by Uruguayan Minister of Foreign Affairs Eduardo Rodriguez Larreta in November, 1945. Larreta suggested that the inter-American system consider measures of collective intervention in cases where authoritarian regimes governed in obvious disregard for basic human rights. This attempt to associate the denial of human rights with incidences of internal violence and, thus, with dangers to hemispheric peace revealed that while thirteen nations disapproved of collective

53 *Cf.* Article 8 of the *Montevideo Convention on the Rights and Duties of States* in INTERNATIONAL CONFERENCES OF THE AMERICAN STATES, 1933-1940 at 121 (1940).

54 *Cf. Additional Protocol Relative to Non-Intervention* in *id.* at 191.

55 *Cf. Act of Chapultepec* in INTERNATIONAL CONFERENCES OF THE AMERICAN STATES, 1942-1954 at 66 (1955).

56 An English version of the Charter of the Organization of American States including both the old Charter and the amended Charter approved in 1967 may be found in the publication of the Committee on Foreign Relations, United States Senate, Aug. 15, 1967.

57 For a discussion of this early background, *see* Thomas & Thomas, *Democracy and the Organization of American States,* 46 MINN. L. REV. 337, 344 (1961).

measures against dictatorships, eight nations agreed with Larreta's suggestions.[58]

The basic idea that hemispheric peace is best founded upon internal structures of representative democracy was echoed in the preamble to the Charter of Bogotá:

> [We are] [c]onfident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the individual rights of man.

D. Peacekeeping Machinery and Its Development

The keystone of the inter-American defense system is the Inter-American Treaty of Reciprocal Assistance, popularly known as the Rio Treaty, signed in 1947. As conceived by its designers, the primary purpose of the treaty was to provide for the mutual defense of the hemisphere in the event of external armed aggression. The defense agreement fitted comfortably within the provisions of Article 51 of the UN Charter in regard to regional defense arrangements.[59]

Significantly, however, the Rio Treaty also provides for the signatory nations to engage in collective action even in cases not involving armed aggression. Thus, Article 6 states that such action may be considered

> If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America.

Although this Article was to acquire central importance in applications of the Rio Treaty in later years, there can be little doubt that the designers of the treaty, meeting in the uncertain, Marshall Plan days of 1947, thought mainly in terms of an instrument for the defense of the hemisphere from invading foreign armies and the peaceful settlement of minor hemispheric disputes.

When representatives of the American nations met the next year at Bogotá to sign the Charter of the OAS, there was a realization that some type of intermediate body would be helpful to provide some flexibility in the otherwise rigid peace system of the Rio Treaty. A type of "troubleshooter" mechanism was deemed necessary to act in the event of hemispheric disturbances that, while not adjusting easily to peaceful negotiation, would not warrant the massive mobilization implied in the Rio Treaty.

Strangely, however, they somehow overlooked an organism seemingly fit for this role. The Inter-American Peace Committee had been created originally as an independent body pursuant to Resolution XV of the Second Meeting of Consultation of Foreign Ministers at Havana in 1940. The resolution had recommended the formation of

58 *Cf. id.* at 349.

59 *See* Article 3 of *Inter-American Treaty of Reciprocal Assistance.* An English version of the Treaty may be found in N. BAILEY, LATIN AMERICA IN WORLD POLITICS, Appendix C, at 201 (1967).

> a committee composed of representatives of five countries, which shall have the duty of constant vigilance to insure that States between which any dispute exists or may arise, of any nature whatsoever, may solve it as quickly as possible, and of suggesting . . . the measures and steps which may be conducive to a settlement.[60]

Given its tradition of independence, the Committee continued to maintain a spirit of autonomy after the signing of the Charter of Bogotá. Thus, when the IAPC drew up its own statutes in 1950, instead of duly reporting to the Council of the OAS, it merely presented these to the individual states. According to the self-imposed statutes, the Committee was to have a wide field of action:

> The Committee may take action at the request of any American State, when the recourse of direct negotiation has been exhausted, when none of the customary procedures of diplomacy or of pacific settlement is in process, or when existing circumstances render negotiation impracticable.[61]

Although the IAPC claimed no more ultimate power than that of suggesting measures for peaceful settlement, it could act at the request of *any* American State (not just of those directly involved) and apply its efforts in those tense situations where traditional diplomacy or peacekeeping machinery could not be used. The Committee was able to show its usefulness almost immediately in a series of troublesome Caribbean disputes involving serious charges of external intervention in internal violence. In each case, the countries involved arrived either at a negotiated settlement or found some other peaceful means of settling the disputes.[62]

Too much success, however, proved not to be such a good thing and, at the Tenth Inter-American Conference at Caracas in 1954, doubts arose as to the broad competence of the Committee. While the work of the IAPC was generally praised, the Committee was required to operate under new statutes which, in 1956, left the Committee able to act only when prior consent of each party involved was obtained and only if no other procedure for the pacific settlement of the dispute was being considered.[63]

E. The OAS and the Peacekeeping Structures of the UN

The development of the peacekeeping structures of the OAS and the UN has been more a history of conflict and competition than of careful coordination for the preservation and strengthening of world peace. A number of factors can be held accountable for this unfortunate situation: the perceived security interests

60 *Cf.* Resolution XV in *The Peaceful Solution of Conflict* in INTERNATIONAL CONFERENCES OF THE AMERICAN STATES, 1933-1940, *supra* note 53, at 360.

61 The statutes are quoted as found in C. FENWICK, THE ORGANIZATION OF AMERICAN STATES: THE INTER-AMERICAN REGIONAL SYSTEM 107 (1963). The full text of these statutes may be found in 2 ANNALS OF THE ORGANIZATION OF AMERICAN STATES 320 (No. 3, 1950).

62 For a detailed account of these cases, *see* Furniss, *The Inter-American System and Recent Caribbean Disputes* in 4 INT'L ORG. 585 (1950). *See also* a summary of IAPC activities, 1948-1956, in INTER-AMERICAN INSTITUTE OF INTERNATIONAL-LEGAL STUDIES, THE INTER-AMERICAN SYSTEM: ITS DEVELOPMENT AND STRENGTHENING 86-88 (1966).

63 *Cf.* STATUTES OF THE INTER-AMERICAN PEACE COMMITTEE (1956).

of the United States, the structural peculiarities of the OAS, and the ambiguities of the UN Charter.

These last two factors spring from the unusual relation of the OAS to the UN. The Organization of American States is not only a regional agency designed to promote collective resistance to armed attack (and, hence, approved by virtue of Article 51 of the UN Charter), but also is, at the same time, a comprehensive organization concerned with the settlement of disputes and the suppression of conflict *within* its ranks. In this regard, it differs from other regional arrangements approved under Article 51, such as NATO and the Warsaw Pact, in that it is also subject to the complexities of Articles 52-54 regarding regional peacekeeping arrangements. The two basic conflicts inherent between the two organizations can be summarized as follows:

1. If matters involving the pacific settlement of local disputes should first be submitted to the consideration of the regional arrangement before coming to the attention of the Security Council (cf. Article 52.2), then what becomes of the right of each individual State to invoke the direct consideration of the Security Council in matters of internal disputes (cf. Articles 34 and 35)?
2. Further, does the regional arrangement have the authority to engage in collective enforcement action in declared instances of self-defense (cf. Article 51), or must the regional arrangement await the prior authorization of the Security Council and then act under its supervision (Article 53)?[64]

The two issues can also be formulated as: (1) "Try the OAS First" or "Security Council Keep Out" and (2) Can the OAS act autonomously in imposing sanctions. In this regard, the OAS strengthened its own hand as early as 1947 by including, as Article 2 of the Rio Treaty, "[All American States] should endeavor to settle any such controversy among themselves by means of the procedures in force in the inter-American system before referring it to the General Assembly or the Security Council of the United Nations."

The contemporary evolution of the peacekeeping mechanisms of the OAS has been tremendously influenced by the revolutionary events on the island of Cuba. A detailed analysis of a three-year period in the unfolding of these events will reveal how the Cuban experience gave both final form to a series of trends regarding internal violence and the inter-American system and shaped future responses of that system.

F. A Case History of Internal Violence: Cuba, 1959-1962

As emotional as the event was, Castro's triumphal entry into Havana on January 1, 1959, was only the beginning of a great drama for the inter-American system. A structural war (or, at least, so it was perceived by most observers) had

64 For a detailed treatment, *see* Claude, *The OAS, the UN and the United States* in INTERNATIONAL CONCILIATION No. 547, (March, 1964).

been raging on and off on the island Republic since July 26, 1953, pitting an almost romantic group of guerrilla warriors against the infamous dictator Fulgencio Batista, yet ultimate thoughts of the consequences of the struggle caused little real concern in the hemisphere.[65]

After the first few months of 1959, however, the United States began to realize that the bearded young men who had marched into Havana were, indeed, serious and dedicated revolutionaries with a definite plan of action. When a series of radical economic measures in Cuba, including the expropriation of United States property, raised the possibility of a Communist regime, alarm began to grow.[66]

If worse did come to worst from the United States' point of view, a precedent already existed for possible collective action against Cuba. The Tenth Inter-American Conference at Caracas in 1954 had, in effect, authorized collective intervention under Article 6 of the Rio Treaty in the event of the domination of an American State by "international communism," regardless of the threat of armed intervention.[67] This action, taken at the time of the Guatemalan crisis, had "multilateralized" the main features of the so-called Dulles Doctrine which stated:

> [t]he domination or control of the political institutions of any American state by the international communist movement, extending to this Hemisphere the political system of an extra continental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America[68]

When, during the first five months of 1959, Panama, Nicaragua, the Dominican Republic, and Haiti all appeared before the Council of the OAS to complain of Cuban-backed insurgent activity within their territories, the alarm in the United States increased even further, especially when, in addition to these countries, Guatemala, Peru, Venezuela, and Brazil all reported internal disturbances in which the involvement of the Cuban government was suspected.[69]

1. First Response of the OAS: Santiago, August, 1959

The first meeting of the Organization of American States to consider the growing tensions in the hemisphere took place at the Fifth Meeting of Consultation of Ministers of Foreign Affairs in Santiago in August. Although no clear idea of the processes at work in the hemisphere had emerged, there were two basic causes for concern. The first was the situation with respect to the new Cuban gov-

65 For a good historical treatment of the Cuban Revolution in English, *see* T. Draper, Castro's Revolution: Myths and Realities (1962). Former Ambassador to Havana, Earl Smith, presents his views in The Fourth Floor (1962).

66 For a good summary of the progressive radicalization of the Castro government, *see* L. Bloomfield & A. Leiss, *supra* note 4, at 96-103. *See also,* Gonzalez, *Castro's Revolution, Cuban Communist Appeals, and the Soviet Response,* 21 World Politics 39-68 (Oct., 1968).

67 Declaration of Solidarity for the Preservation of the Political Integrity of the American States Against the Intervention of International Communism 436 (1942-1954).

68 For text of Dulles Doctrine, *see* N. Bailey, *supra* note 59, at 184, Appendix A.

69 *Cf.* L. Bloomfield & A. Leiss, *supra* note 4, at 101.

ernment. The second, and more immediate concern, was the persistent problem of the Trujillo dictatorship in the Dominican Republic and its continued exacerbation of Caribbean tensions.

One significant result of the Santiago meeting was to expand the powers of the Inter-American Peace Committee. Although the Committee's pre-1956 level of autonomy was not restored, it was charged with three specific tasks:

1. To examine methods and procedures to prevent any activities from abroad designed to overthrow established governments or to provoke instances of intervention or acts of aggression;

2. To study the relationship between violations of human rights or the non-exercise of representative democracy on the one hand, and the political tensions that affect the peace of the hemisphere on the other;

3. To study the relationship between economic underdevelopment and political instability.[70]

Although even tentative responses to these hemispheric questions would have eased the subsequent tasks of decision-makers, the Committee was severely handicapped in its work from the very beginning. On the one hand, the Committee was charged with a complete investigation, but on the other, it was required to seek the consent of any state in which an investigation would have to be carried out.[71]

In the absence of any concrete peacekeeping or, rather, "peacemaking" steps on the part of a regional organization, tensions continued to mount between the United States and Cuba. The final important actor in this case history entered the picture on July 11, 1960 when the Security Council of the United Nations received a Cuban request to consider charges of interventionist policy and conspiracy to commit aggression lodged against the United States.

Guatemala in 1954 had provided the first opportunity for interpreting the "Try OAS First" issue. Now Cuba was to provide the second. Although Cuba was clearly within its rights in appealing to the Security Council in accordance with Article 34 of the UN Charter, the United States argued in the Council that the Inter-American Peace Committee was already investigating the charges and that, consequently, Cuba should await the actions of the OAS. The United States argument that the OAS had already scheduled a conference to consider the problem proved more powerful than Cuba's claim that it could expect no fair treatment from any such conference. The Security Council voted 9-0 (with Russia and Poland abstaining) to await the reports of the Organization of American States.[72]

70 *Cf.* Thomas and Thomas, *supra* note 57, at 368.

71 The complete action of the Santiago Conference in regard to the IAPC is found in Resolution IV (the Inter-American Peace Committee), FINAL ACT at 7 (1962). This resolution may also be found in OAS REPORT, 1954-1959, at 10.

72 *See also*, Claude *supra* note 64, at 35-38.

2. The San Jose Conference, August, 1960

At the Seventh Meeting of Consultation of Ministers of Foreign Affairs, held at San José, Costa Rica, the OAS met pursuant to a request by the government of Peru to consider "problems of an urgent nature and of common interest to the American States" in accordance with Article 39 of the Bogotá Charter. Such "problems of an urgent nature" were those related to growing evidence of foreign intervention in Cuba, not those resulting from Cuba's charges presented in the UN. Far from providing the Castro government with an opportunity to argue its case, the OAS appeared intent on treating Cuba, as Claude observes, not as the plaintiff, but as the defendant.[73] The assembled Ministers eventually issued the so-called Declaration of San José which, while not specifically mentioning Cuba, featured a condemnation of "the intervention or threat of intervention, even when conditional, by an extra-continental power in the affairs of the American republics."[74]

3. The United Nations' Role

Alarmed by evidence that the United States was indeed planning an invasion and more convinced than ever that the OAS could not be expected to take prompt and impartial action, Prime Minister Castro presented the Cuban case personally in the United Nations in late September. After his own denunciation of United States aggression, Castro instructed the Cuban delegation to bring the case, first, to the attention of the General Assembly and, then, to the Security Council. This latter body took no action after considering the Cuban charges in January, 1961. Significantly, the Security Council made no statement regarding the prior jurisdiction of either regional or universal organizations in the matter.

The advent of the Kennedy Administration brought no changes in the generally worsening conditions of United States-Cuban relations. Repeated Cuban charges of imminent United States-backed invasion coincided with a State Department White Paper of April 3, 1961, which contained the following analysis of the situation:

> The present situation in Cuba confronts the Western Hemisphere and the inter-American system with a grave and urgent challenge. . . . What began as a movement to enlarge Cuban democracy and freedom has been perverted . . . into a mechanism for the destruction of free institutions in Cuba, for the seizure by international communism of a base and bridgehead in the Americas, and for the disruption of the inter-American system.[75]

Later that same month, amid more urgent Cuban charges of an imminent exile invasion directed by the United States with the aid of several Central American countries, the First Committee of the General Assembly took up the case. The Committee was confronted almost immediately by the invasion at the Bay of Pigs.

73 *Cf. id.* at 38.
74 *See* Resolution I, *The Declaration of San Jose* in OAS Report, 1960 at 9.
75 United States Department of State, Cuba (1961).

4. The Bay of Pigs and Its Effects

Summaries of the background and strategy of the Bay of Pigs incident are readily available and the main facts are well-known.[76] The invasion presented a clear case of intervention in internal violence. Given the conditions of time and communications specified earlier in this analysis, the violence might have allowed for the full operation of the "internationalizing mechanisms." The overwhelming superiority of the incumbents, however, resulted in an outright victory for the Castro Cubans.

What were the immediate reactions of the principal external actors involved in the Cuban violence? The Organization of American States recorded no significant action. This was true despite the fact that the United States (and, to the extent of their implication, its Central American collaborators) had apparently violated some of the most basic principles of the Charter of Bogotá including: nonintervention (Articles 18-20), the repudiation of the use of force (Article 21), and the peaceful settlement of disputes (Articles 23-26).

The General Assembly of the United Nations rejected, by a small margin, a draft resolution presented by Mexico which criticized the actions of the United States, while leaving out all mention of the competency of the Organization of American States to act in the situation. Another resolution, submitted by a number of Latin American countries and basically pro-OAS in content, was likewise rejected. The weak draft that was eventually approved contained no grant of authority for the OAS in the Cuban case. Furthermore, five Latin American countries joined with Cuba in favoring drafts that criticized the actions of the United States and asserted Cuba's right to the prior attention of the United Nations.[77] After the vote of the General Assembly, the United Nations engaged in no further important measures. Claude concludes from this experience that although the Cuban matter had largely led to the discrediting of the "Try OAS First" issue, the United States had been successful in its attempts to block direct Security Council interference in American hemisphere disputes.[78]

The United States was clearest of all in its reactions to the Bay of Pigs. In a speech entitled "The Lesson of Cuba," President Kennedy said:

> Should it ever appear that the inter-American doctrine of non-intervention merely counsels or excuses a policy of nonaction—if the nations of this hemisphere should fail to meet their commitments against outside Communist penetration—then I want it clearly understood that this Government will not hesitate in meeting its primary obligations which are to the security of our nation.[79]

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76 *See, e.g.*, H. Johnson, The Bay of Pigs (1964); T. Szulc and K. Meyer, The Cuban Invasion (1962); A. Schlesinger, A Thousand Days: John F. Kennedy in the White House 215-97 (1965).

77 *Cf.* Claude, *supra* note 64, at 42.

78 *Id.*

79 *Cf.* Kennedy, *The Lesson of Cuba*, 44 U.S. Dep't of State Bull. 659-61 (May 8, 1961).

5. Punta del Este Conference, January, 1962

The clearest immediate consequence of the Bay of Pigs invasion was that the only actor in the international system to take definite action, the United States, had failed in its attempt to overthrow the Cuban government. In the absence of any effective peacekeeping mechanisms, the long-run relations between the two nations were bound to continue their downhill trajectory.

The United States was now faced with what was, from its national security point of view, an increasingly intolerable situation. The last part of this case history relates: (1) how the United States was able to help transform the peacekeeping structures of the OAS into a permanently anti-communist mold, and (2) how the OAS was, in turn, able to assert its autonomy over the UN in the imposition of sanctions within its own geographical boundaries.[80]

The Eighth Meeting of Consultation of Ministers of Foreign Affairs at Punta del Este in January, 1962, is the first step in this new sequence of events. Its effect was to exclude the radicalized government of Cuba from participation in the Organization of American States. Resolution I of the Final Act of the meeting is entitled "Communist Offensive in America." The resolution, based on a report submitted by the Inter-American Peace Committee, stipulated:

1. That the present Government of Cuba, as a consequence of repeated acts, has voluntarily placed itself outside of the inter-American system.

2. That the present Government of Cuba, which has officially identified itself as a Marxist-Leninist government, is incompatible with the principles and objectives of the inter-American system.

3. That this incompatibility excludes the present Government of Cuba from participation in the inter-American system.[81]

At the same time, the Member States decreed partial economic sanctions against Cuba. By these measures, Cuba was cut off from much normal contact with other nations in the Western Hemisphere. Vigorous protests presented to the Security Council were to no avail. The year before, the United States had argued before the Security Council that Cuba's problems should first be brought to the attention of the OAS. Now the same country argued, once again with success, that Cuba should stay away from that organization. Thus, the OAS had successfully interpreted the provisions of Article 53 of the UN Charter with regard to regional autonomy in the imposition of non-military sanctions.

Since nothing had been done to attack the root problems underlying the entire Cuba-United States-OAS dispute, the isolation tactic forced Cuba to "internationalize" further what was still a non-violent dispute. With the applica-

80 An interesting analysis of this whole period is contained in an as-of-yet-unpublished work by Bosco Parra, *El sistema inter-americano ante la situacion de un pais radicalizado*. A mimeographed copy is available from the Latin American School of Political Science, Santiago (1969).

81 Final Act, *supra* note 71.

tion of economic sanctions, Cuba's position of extreme dependence upon the only ally ready and willing to lend prompt assistance, the Soviet Union, was further intensified. Faced with diplomatic isolation and fearing new invasion attempts, the Cubans must have welcomed even more eagerly the Russian offers of large-scale military aid. Such actions then began to set in motion the "anti-communist" structures of the OAS.

With Cuba's increased reliance upon Russian military aid in late 1961 and early 1962, the Declaration of San José of 1960, according to which the acceptance of extra-continental aid by any American government endangers the security of the continent, became applicable. The Declaration had also explicitly condemned Soviet and Chinese attempts to take advantage of the political, economic, or social situation of any American state.[82]

Although the Punta del Este Conference had completely excluded the radicalized government of Cuba from participation in the inter-American system, Cuba itself still lay within the collective defense zone stipulated in Article 4 of the Rio Treaty. Thus, the American States, under Article 6 of the Rio Treaty, could consider collective action against Cuba as an American State affected by "an aggression which is not an armed attack, or by any other fact or situation that might endanger the peace of America." If the American States then agreed that such a threat existed and that collective action was called for, even if no armed attack were imminent, Article 8 of the Rio Treaty would confer the power to employ sanctions ranging from diplomatic measures to the use of armed force.

6. The October Crisis and the Rio Treaty

In October, 1962, the United States presented the Council of the OAS with "conclusive evidence" that Cuba had permitted its territory to be used for the establishment of offensive nuclear weapons provided by extra-continental powers. The United States, which had already expressed its unilateral intention of using armed force against Cuba if necessary, invoked Articles 6 and 8 of the Rio Treaty to request urgent action by the hemisphere organization.

The day after the United States denunciation of Soviet intervention, the Council of the OAS, acting provisionally as the Organ of Consultation, resolved in regard to Cuba:

> To recommend to the Member States, in pursuance of Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, that they adopt all measures, individually and collectively, including the use of armed force.[83]

These actions of the United States and the OAS were significant for at least two reasons:

1. Although the provocation in this case was severe and represented an intolerable danger for the United States, the OAS established the prece-

82 *See* OAS Report, 1960, *supra* note 74, at 9.

83 As quoted in El Sistema Interamericano at 213 (Instituto Interamericano de Estudios Juridicos Internacionales ed. 1966).

dent of employing armed force, *individually or collectively,* within the hemisphere even if there had been no armed attack and even if such intervention had not been requested by the American State concerned; and

2. For the first time, the OAS had declared its willingness to employ military sanctions and had done so with no intention of awaiting Security Council authorization. Possible problems due to an obvious conflict with Article 53 of the UN Charter were not considered at the time of the passing of the resolution.

Thus, by going unchallenged in its threat to use armed force, the OAS had established its autonomy with regard to the United Nations. Claude sums up the general state of relations between the peacekeeping structures of these two organizations after this last episode in the Cuban case history:

> [While] the OAS has failed to achieve a monopolistic jurisdiction over disputes within its area, more importantly, the Security Council has lost any meaningful capacity to regulate or restrict the enforcement operations of the OAS.
>
> In the era of the cold war, regional organizations are the chosen instruments of the great antagonists locked in political conflict. Those antagonists will not permit their instruments to be held in check by the UN.[84]

With the easing of the October crisis, this case history can be concluded. By way of postscript, however, it should be noted that the Ninth Meeting of Consultation of Ministers of Foreign Affairs, meeting at Washington in 1964, once again invoked the Rio Treaty against the radicalized government of Cuba in order to put into effect diplomatic and economic sanctions in accordance with Article 8 of the Treaty.[85]

7. Conclusions: Internal Violence and the Inter-American System

What are the conclusions that can be drawn regarding the peacekeeping structures of the inter-American system? The following scenario both summarizes the main events of the Cuban situation and enlarges upon this experience with subsequent episodes of internal violence that complement the patterns that took shape during the three-year period of controversy with Cuba.

If the situation of a Latin American country where strongly alienated left-wing factions co-exist with rising popular discontent over government social policy is assumed, the following sequence of events can be imagined:

1. Military option is introduced by insurgent group or incumbent regime.
2. Guerrilla forces survive first encounters with incumbents and establish bases of operation in rural or mountain areas.

84 *Cf.* Claude, *supra* note 64, at 63.
85 2 Applications, Inter-American Treaty of Reciprocal Assistance, 1960-1964 at 183 (1964).

3. Incumbent forces, fearing Cuban intervention, apply added force through increased use of U.S. military equipment already on hand. This step leads to:

   POSSIBLE TERMINATION OF CONFLICT (e.g., Nicaragua, 1960; Panama, 1960) OR

4. Continued guerrilla activity with growing popular support complemented by urban terror tactics.
5. More active interest on the part of the United States, once again fearing another Cuba. Result: more arms and technical advisors.
6. Increased government action to suppress "Communist insurrection." This step leads to:

   POSSIBLE TERMINATION OF CONFLICT (e.g., Venezuela, 1960-64; Peru, 1964-65; Bolivia, 1966-67) OR

7. Increasing insurgent activity with open moral support from Cuba and, perhaps, extra-continental socialist countries. Some evidence of extra-continental military equipment in hands of the insurgents.
8. Extreme concern in the United States and sense of urgency to avoid "another Cuba."

9a. Direct U.S. intervention on behalf of the incumbents in the event of acute crisis situation (e.g. Santo Domingo, 1965) OR

9b. The Permanent Council of the OAS meets pursuant to Article 6 of the Rio Treaty claiming that such a meeting is called for by virtue of the Declaration of Caracas (1954) and the Declaration of San José (1960).

10. Upon receiving report of an investigating committee, the external intervention in the internal violence is energetically condemned by the OAS as a "threat to the peace and security of the hemisphere."
11. The internal situation continues toward full crisis with both incumbents and insurgents receiving their maximum amounts of foreign aid.
12. Individual or collective measures of armed force against the insurgents are decreed in accordance with Article 8 of the Rio Treaty, in disregard for Article 53 of the UN Charter.
13. The Security Council is advised of possible actions, but is unable to intervene.

14a. War reaches a natural conclusion resulting in a direct win for insurgents or incumbents OR

14b. Armed intervention by the United States or by an "Inter-American Peace Force" to insure a direct win for the incumbents.

With this last step (14b), the scenario would ordinarily come to an end except in the unlikely case that the insurgents were to achieve a direct win (step 14a). If this group then came to power, in violation of the ruling "formula," in the Inter-American system, another scenario might be set in action:

1. Isolation of the radicalized regime as it presents an economic and political threat to the hemisphere.
2. Exclusion of the regime from participation in the inter-American system.
3. Radicalized regime forced to rely more and more on extra-continental and, very probably, Soviet or Chinese aid.
4. Invocation of Article 8 of the Rio Treaty providing for severe diplomatic and economic sanctions since the acceptance of external aid is a threat to the peace and security of the hemisphere.
5. If none of the above measures is successful in attempts to disrupt internal balance of power and overthrow the regime, the use of armed force, individual or collective, is decreed.

VIII. The Present and Toward the Future

What can be done to improve the peacekeeping structures of the Organization of American States? Given the conditions of either strong left-wing groups or a radicalized regime in a Latin American country, the present peacekeeping structures, with their anti-communist mold, appear irrelevant.

Although there are no situations of acute internal crisis and violence in Latin America at present, there are a number of "powderkeg" countries whose present conditions are a powerful goad to the entire inter-American system to improve methods of peacemaking and peacekeeping. These conditions will be examined in regard to three key countries, Guatemala, Brazil and Argentina.

It is perhaps not unfair to say that Guatemala is the Latin American country most frequently tottering on the brink of chaos. Although the land has been wracked by a long history of political violence, the latest internal violence stems from an abortive coup led by leftist military officials in 1960. Their alleged motives included indignation over the acquiescence of the Guatemalan government in the establishment of a guerrilla camp for the CIA before the Bay of Pigs invasion.

At present, the most important insurgent group is known as the Rebel Armed Forces (FAR); this is the group generally credited with the kidnapping of the West German Ambassador in April, 1970. The insurgents are vigorously opposed not only by "law and order" President Colonel Carlos Arana Osorio, but by a powerful right-wing vigilante group, the National Anti-Communist Movement (MANO). Although waves of violence may be expected for years to come, the guerrilla forces may have suffered a severe blow with the recent death in action of their leader, Marco Antonio Yon Sosa, popularly known as the "Central American Mao."[86]

Argentina is another country with a long history of political instability, and has recently shown signs of being on the verge of serious internal violence. Two planes of conflict can be discerned, although, to a certain extent, they overlap. The military dictatorship that has ruled Argentina since 1966 has seen the rise in power of the insurgent Argentine Liberation Front, a group made all the more

86 *Cf. El Mercurio* (Santiago, Chile) May 20, 1970.

vigorous by the military's decision to outlaw the activities of the Argentine Communist Party which, with sixty thousand members, was the largest in Latin America. As in Guatemala, right-wing vigilantes operate in Argentina and are loosely grouped in an organization known as Tacuara.

These internal divisions are further aggravated in the country by a military decision of fifteen years ago to deny effective political power to the followers of ex-dictator Juan Domingo Perón, although this is a group that is estimated at between 30-50% of the electorate. Recent pitched battles in several large cities between police and groups of workers and students are reminders of this and other polarities in Argentine society.

Brazil, the largest country in Latin America, has been the scene of the most active insurgent activity, especially since about mid-1969. Since 1964, Brazil has been under the iron grip of a military junta that has stifled political freedom and pushed Brazil close to the status of a police state.[87] Insurgent activity has been sporadic, but persistent, with guerrilla forces operating both in the rural areas of the state of Sao Paulo and in the large urban areas.[88] The difficult situation is strained even more by a disastrous drought in the poverty-stricken Northeast where more than one million people are threatened with starvation. Further, the United States government has found itself closely linked to the present military regime since the days of the 1964 coup.[89] Brazil, a major recipient of United States economic and military assistance, was one of the most enthusiastic supporters in Latin America of United States actions in Santo Domingo and Viet Nam. Thus, serious internal violence in Brazil might lead to United States involvement.

These three countries are those in Latin America that seem to present clearest dangers of serious civil strife. A more complete listing, however, might include countries such as Venezuela, Colombia, Uruguay, Haiti, the Dominican Republic, and Trinidad-Tobago. To this list, several other Latin countries must be added in which regimes that might be considered "radical" are now in power. The governments of Peru and Bolivia boldly stood up to United States economic pressures while seeking to establish a more independent identity in world politics; the victory of the Communist-backed Popular Front in the 1970 national elections in Chile may present even greater confusion. Any one of these cases might spark off the second interventionary scale for the isolation and eventual overthrow of regimes that contradict the ruling "formula" in the Americas.

The most striking aspect of this summary view of experiences of internal violence in Latin America has been the lack of effective operation of what was described as the third "internationalizing mechanism," the search for a peaceful settlement. The peacekeeping structures of the OAS and the UN have ceased to carry out the "troubleshooter" roles that might have been expected of them.

87 For a report on torture methods reserved for political prisoners and the tacit approval of such conduct by the present Brazilian regime, *see The Brazilian Terror* in the LONDON SUNDAY TIMES, May 17, 1970. Pope Paul VI, responding to reports from various members of the Brazilian hierarchy, has expressed his growing alarm over the use of torture and the denial of human rights in Brazil. *See also* the statement of the Brazilian bishops demanding an end to torture methods in their country. Associated Press wirestory, May 27, 1970.

88 For a description of the guerrilla methods in Brazil, *see* Marighela, *El Mini-Manual del Guerrillero Urbano* in PUNTO FINAL (Santiago, Chile), Apr. 28, 1970.

89 *See* POLITICAL POWER IN LATIN AMERICA: SEVEN CONFRONTATIONS, *supra* note 25. Note especially Case 4, *The Brazilian Coup of 1964*, at 155.

Former President Johnson himself acknowledged this situation in his analysis of the decision to send troops to the Dominican Republic in 1965. Johnson indicated that he felt that existing machinery could not possibly move fast enough to react to the fast unfolding of events and, thus, he himself had to resort to unilateral action to defend the perceived interests of the United States.[90]

Johnson seemed to be reflecting the view that the structure of the OAS has become too rigid to function effectively in crisis situations of internal violence. Supposing nothing more than a general Latin American acceptance of the idea that "[c]ivil strife constitutes the major challenge to those convinced that decisions to use military power in world affairs should not be matters of national discretion," the case for concrete action is worth investigating further.

Indeed, two recent conditioning factors indicate that such action may well be possible. The first refers to the establishment of the Special Committee for Latin American Coordination (CECLA) which met for the first time in May, 1969, in Viña del Mar, Chile, to discuss the formulation of a common Latin American trade policy vis-à-vis the United States.[91] The meeting was extraordinary in view of the procedure followed by the Latin Americans in meeting separately and presenting a Latin American point of view on hemispheric problems. The main points of the Consensus of Viña del Mar were then transmitted directly to the President of the United States. One Latin American remarked as follows in regard to the importance of CECLA:

> Up to now, the inter-American system has been based on the assumption (supported by Washington) that there is a 'natural harmony of interest' between the United States and her neighbors to the south; the idea of cooperation, as opposed to negotiation, has prevailed in relations between the two parts of the hemisphere. . . . Up to now [and this is the essential point] all the movements that have affected inter-American relations, from the Good Neighbor policy to the Alliance for Progress, have been decided upon unilaterally by the United States.[92]

The second conditioning factor is the changing attitude of the United States government, especially under the Nixon Administration, toward Latin America. The United States apparently opted for a "hands off" policy and repeatedly affirmed that the major social and economic problems of Latin America must find primarily Latin American solutions. In a major address before Congress, President Nixon spoke as follows in regard to Latin America: "The United States should contribute, not dominate. We alone cannot assume the responsibility for the economic and social development of other nations."[93] Later, in the same speech, he indicated "[It is our] belief that the principal future pattern of

90 For an account of the Dominican crisis, *see* J. BARTLOW, OVERTAKEN BY EVENTS: THE DOMINICAN CRISIS FROM THE FALL OF TRUJILLO TO THE CIVIL WAR (1966).

91 A full copy of the report of the Special Committee for Latin American Coordination, REPORT ON THE CONSENSUS OF VINA DEL MAR, is available in 8 INTERNATIONAL LEGAL MATERIALS 974 (1969).

92 Tomassini, *Toward a New Nationalism in Latin America,* 25 THE WORLD TODAY 555 (Dec., 1969).

93 NEW YORK TIMES, Feb. 17, 1970.

[our] assistance must be United States support for Latin American initiatives."[94]

In view of these factors, the introductory argument for the case for concrete action can be summarized as follows: in matters of peacekeeping in the Western Hemisphere, a problem of central importance to the Latin Americans, it is time for Latin America to take the initiative.

The following policy-suggestions seem to be practical in view of contemporary reality in the inter-American system:

1. With the convocation of a second CECLA meeting for mid-1970, in addition to the relative success of the first meeting, the Special Committee for Latin American Coordination has firmly established its usefulness. The Latin American nations should convoke a subsequent meeting of CECLA to consider the coordination of Latin American foreign policy in regard to matters of internal violence in the hemisphere.

2. At this meeting, recognition should be made of the fact that the now nearly inactive Inter-American Peace Committee can perform a valuable "troubleshooter" role in many present and future situations of internal violence.

3. With this in mind, the powers of the Inter-American Peace Committee should be expanded in accordance with their 1950 statutes. The traditional independence of the IAPC to operate without strict supervision should be emphasized.

4. The relationship between the peacekeeping structures of the OAS and those of the UN should be carefully re-examined. Ways in which these structures can be better coordinated for the good of the hemisphere, should be discussed. The right of each state to present its problems directly to the Security Council if it so desires should be emphasized.

The revival and expansion of activities of the Inter-American Peace Committee is not put forth as the ideal solution; it is simply a feasible way of developing some type of effective third-party action in internal violence in Latin America. Some clarification should be made regarding the scope and powers of the revitalized Committee. Its scope of activities was set down clearly more than twenty years ago in the 1950 statutes: "The Committee may take action at the request of *any American State,* when the recourse of direct negotiation has been exhausted, when none of the customary procedures of diplomacy or of pacific settlement is in process, or when existing circumstances render negotiation impossible." (Emphasis added.)[95]

Its scope thus gives the Committee a versatility to perform a range of functions. At times, its chief task may be to persuade each side in an incipient internal

94 *Id.* Specifically in regard to situations of internal violence in Latin America, it is significant that Nixon has not given his support to the "hawkish" policy recommendations of Governor Rockefeller who came out strongly in favor of increased military aid for Latin American regimes in order to combat left-wing insurgents. *Cf.* THE ROCKEFELLER REPORT 59-65 (1969).

95 ANNALS OF THE ORGANIZATION OF AMERICAN STATES *supra* note 61, at 320.

dispute not to introduce a military option; at others, it may concern itself with the close examination of foreign intervention in the dispute; finally, it could strive to bring about a peaceful settlement in those cases in which further violence could result in little more than additional human suffering for each side.

The powers of the Committee would remain strictly those of suggestion and moral persuasion. Far from possessing any military force of its own, the Committee would adopt the "Hammarskjöld" approach to peacekeeping, i.e., it would engage exclusively in noncoercive and facilitative activities rather than in checking aggression or collective enforcement.[96]

Besides the internal ramifications of the impartial investigative and informative work of the IAPC, two further benefits in the international system can be identified. First, the work of the Committee would provide the decision-makers, both national and international, of the inter-American system with more facts regarding each case of internal violence and allow them more time to decide what, if any, should be the collective or individual action of the system. In the fulfillment of their tasks, decision-makers would have the benefit of the on-the-spot recommendations of the IAPC. Second, it would help fill the peacekeeping gap that the United Nations would ordinarily fill if Latin America did not lie completely within the crucial security area of the United States. Hammarskjöld himself wrote of this situation ten years ago: "Within its constitution and structure, it is extremely difficult for the United Nations to exercise an influence on problems which are clearly and definitely within the orbit of present conflicts between power blocs. . . ."[97]

Obviously, it will be impossible for even a revitalized IAPC to act effectively in all situations, nor should its usefulness be determined by the fact of whether or not it does. Its work would be very limited in such a place as Guatemala, for example, where years of violence threaten social disintegration. Yet an active Committee might have been extremely useful in the period before the Bay of Pigs and during and before the confusing days of the Dominican Revolution of 1965. It may still be able to operate effectively in such places as Colombia and Argentina where internal situations, while threatened by violence, are still in pre-crisis stages.

Were the Committee given the leeway suggested here, it might return to a serious analysis of the question put before it by the Santiago Conference in 1959: that of investigating the relationship between authoritarian regimes and threats to hemispheric peace and security. In the contemporary context, Brazil is the case in point. Widespread deprivations of human freedom in that country are now provoking violent reactions from among the large and growing alienated segments of Brazilian society.

These and other advantages of a revitalized Peace Committee operating from Latin American initiative could be expanded upon, but two unknown factors must be taken into account: (1) How will the United States react in each case; and (2) How can the pro-status quo positions of many Latin American regimes be overcome to allow the Committee freedom of movement? In regard to the first factor, any policy-recommendations of the Committee would have to

96 For details on the "Hammarskjold" approach, *see* O. YOUNG, TRENDS IN INTERNATIONAL PEACEKEEPING (1966); R. RUSSELL, *supra* note 44.

97 O. YOUNG, *supra* note 96, at 35.

recognize the legitimate security interests of the United States. If it is to be effective, this is the framework within which the IAPC will have to operate. In its investigative activities, the Committee would have to be uniformly anti-interventionist, whether such intervention be in the form of excessive United States military aid to dictatorships, or the establishment of extra-continental military bases within the limits of any Latin American country with a "radical government."

The problems presented by the resistance of authoritarian regimes to third-party "meddling" is the more serious problem, at least in the short run. One dictatorship, for example, that of Haiti, is not apt to press for a thorough investigation of a denial of human freedoms in another if it suspects that it may be the next in line for investigation. To the extent that the opposition of individual governments will prove an obstacle, it is an advantage that the powers of the Committee are strictly non-coercive. This may help reduce fears for national sovereignty. In addition, the attitudes exemplified at the February, 1970, CECLA meeting of the Inter-American Economic and Social Council, by Brazil and Argentina, the two largest countries with authoritarian regimes, indicate that they may agree to the idea of a revitalized Peace Committee as an integral part of the emerging expression of Latin American nationalism.[98]

IX. Conclusions

The ultimate practicality or impracticality of the aforementioned policy suggestions, however, is not nearly as important as what has been the main point of this entire analysis: some type of effective international action must be designed to respond to situations of internal violence.

The efforts of this analysis have been influenced, in part, by the work of Richard Falk on the international control of violence. The basic problem, as Falk's writings indicate, is how do we balance the sometimes contradictory policies of the maintenance of international order and the promotion of domestic social and political progress? In other words, how can we speak in meaningful terms of peace and still maintain a nation's "right to revolution"?[99]

Falk expresses in one article what has been an underlying assumption of this analysis: "The only apparent way to balance social progress with enduring peace is to entrust regional and universal institutions with a gradually increasing competence and responsibility for social change."[100] He continues: "Traditional decentralization can be overcome to the extent that regional and universal institutions assume competence to interpret and act in relation to the factions fighting against one another in an internal war."[101]

This analysis has been dedicated to a greater understanding of the dynamics

98 Brazil, for example, after dragging its feet for a long time, was one of the most enthusiastic supporters of the CECLA meeting held in Vina del Mar in 1969. *Cf.* Tomassini, *supra* note 92.

99 Some of Falk's major writings on the subject of international control of violence include the following: *Janus Tormented: The International Law of Internal War* in INTERNATIONAL ASPECTS OF CIVIL STRIFE 185 (J. Rosenau ed. 1964); *The International Regulation of Internal Violence in Developing Countries, supra* note 51. An entire selection of Falk's articles appears in LEGAL ORDER IN A VIOLENT WORLD (J. Falk ed. 1968).

100 Falk, *Janus Tormented, supra* note 99, at 234.

101 *Id.* at 246.

of internal war to determine feasible ways of *gradually* expanding the competence of regional organization. In this respect, what has been presented here has also developed from the work of Myres McDougal and his associates in exploring possibilities for a world public order which provides maximum opportunities for the realization of basic values of human dignity.[102] At one point, McDougal writes:

> It is therefore feasible for them [scholars and public figures] to dissolve the curtains of confusion created by the common practice of glorifying specific institutional practices instead of glorifying the goal values of human dignity and engaging in a *continuous reappraisal of the circumstances in which specific institutional combinations can make the greatest net contribution to the overarching goal.*[103]

The intellectual task of both clarifying the present situation particularly in regard to internal violence and suggesting relevant policy measures to be applied has not yet influenced specific institutional practices in the direction of a more just peace in the international system and, therefore, greater human dignity. The enormous amount of work that still remains to be done in regard to the clarification of the dynamics of internal violence and the transformation of structures to respond adequately to that reality remains one of the great challenges for scholars in international law and relations.

102 *See* M. McDougal & F. Feliciano, Law and Minimum World Public Order (1961); McDougal, Lasswell, & Reisman, *The World Constitutive Process of Authoritative Decision*, 19 J. of Legal Education 253 and 403 (1967).

103 McDougal & Lasswell, *The Identification and Appraisal of Diverse Systems of Public Order* in Studies in World Public Order 9 (M. McDougal ed. 1960).